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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,207	02/20/2001	Kunihiko Iizuka	1046.1240 (JDH)	3957
21171	7590	03/25/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			SHRADER, LAWRENCE J	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/785,207

Applicant(s)

IIZUKA, KUNIHIKO

Examiner

Lawrence Shrader

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |



### DETAILED ACTION

1. This office action is in response to the RCE filed by the Applicant on 12/13/2004.
2. The arguments set forth in the amendment filed on 12/13/2004 by the Applicant have been fully considered, but are moot in view of the new grounds of rejection necessitated by the current amendments.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 8, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menendez et al., U.S. Patent 5,555,369 (hereinafter referred to as Menendez) in view of Munker et al., U.S. Patent 6,591,366 (hereinafter referred to as Munker).

#### **In regard to claim 4:**

*A program development device developing an application program by combining components having a plurality of interfaces, comprising:*

*a layout component selection module selecting said layout component which lays out a plurality of components to be laid out;*

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Menendez discloses a component layout module (column 14, lines 42 – 60; e.g., Figures 8 and 9).

*a laid-out component selection module selecting one of said plurality of components to be laid out in said selected layout component;*

Menendez discloses a component selection module (column 14, lines 42 – 60; e.g., Figures 8 and 9).

*a prescribing module prescribing a layout specification for laying out said laid-out components;*

Menendez discloses a layout prescribing a module employing an editor to layout a window (column 10, lines 20 – 55; e.g., Figures 12 – 14).

*a recording unit retaining a layout specification record of the prescribed layout specification;*

Menendez discloses that the layout is recorded by selecting the “Add Window” menu selection (column 10, lines 41 – 54).

*an edit module supporting a development of the program by laying out said laid-out components in said layout component in accordance with the layout specification record.*

Menendez discloses a layout module employing an editor to layout a window and modify the view (column 10, lines 20 – 55; e.g., Figures 12 – 14).

*a group definition module defining a group having a plurality of users.*

Although Menendez does not explicitly disclose a group definition module, the use of group definition modules or parameters to define a group having a plurality of users authorized or specified is well known in the art. For example, Munker discloses a check of a to determine whether a particular user belongs to a specific group authorized to operate a program (column 5, lines 46 – 51). There must be some module of code to perform this check. Therefore, it would

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have been obvious to one skilled in the art at the time the invention was made to combine the component layout module of Menendez with the group authorization checking as taught by Munker because it would be advantageous in a development environment to authorize only a plurality of individuals in a specifically authorized group to design or edit components in a system as taught by Munker at column 5, lines 54 – 56.

**In regard to claim 5**, incorporating the rejection of claim 4:

*“...further comprising a specification designating module designating one of a plurality of layout specification records,*

*wherein said edit module supports the development of the program by use of the layout specification prescribed in the designated layout specification record.”*

Menendez discloses that the layout can be edited (column 15, lines 42 – 55; e.g., Figures 10 – 14).

**In regard to claim 8** (a method), rejected for the same corresponding reasons put forth in the rejection of claim 4 (a corresponding device).

**In regard to claim 10** (a computer-readable medium), rejected for the same corresponding reasons put forth in the rejection of claim 8 (a corresponding method).

**In regard to claim 12** (a communication signal containing code), rejected for the same corresponding reasons put forth in the rejection of claim 8 (a corresponding method).

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5. Claims 1, 2, 7, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menendez et al., U.S. Patent 5,555,369 in view of Tow et al., U.S. Patent 5,860,070 (hereinafter referred to as Tow).

Menendez discloses a program development device developing an application program by use of a component having a plurality of interfaces, comprising:

**In regard to claim 1:**

*a component selecting module having said component selected;*

Menendez discloses a component selection module (column 2, lines 35 – 45; column 14, lines 42 – 47; e.g., Figure 8).

*an interface selection module having said interface selected for said selected component, and setting whether said selected interface is permitted to be embedded into said application program or not;*

Menendez discloses an interface selection module (column 2, lines 35 – 45; column 14, lines 50 – 54), but does not explicitly disclose determining permission to embed the interface in to the application program. However, Tow discloses insertion of data into a table wherein permission is required to perform the update (column 2, line 60 to column 3, line 3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the interface selection module as taught by Menendez with the act of gaining permission before conducting an update as taught by Tow, because the combination allows the Menendez invention to select an interface while avoiding conflicts with existing components as taught by Tow at column 3, lines 1 – 3.

*a recording unit retaining a set record of setting whether said interface is permitted to be embedded into said application program or not;*

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Menendez does not specifically record valid and invalid interfaces. However, Tow discloses recording a key value that is used to allow or deny the insertion of a row into a table (Abstract). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the component and interface selection module as taught by Menendez with the recording of a unique key used to permit the update of a table row as taught by Tow, because the combination provides a means for the Menendez record key information to determine whether or not the interface is permitted to be embedded just as permission to insert a row is determined by the same logis in the Tow invention at column 3, lines 1 – 3.

*an edit module supporting the development of the program by use of said interface set in to be permitted to be embedded into said application program or said interface that is not set to be inhibited to be embedded into said application program in accordance with the set record.*

Menendez discloses an edit module for editing the script underlying the selected component interface (column 15, lines 44 – 47), but does not explicitly disclose determining permission to embed the interface in to the application program. However, Tow discloses insertion of data into a table wherein permission is required to perform the update (column 2, line 60 to column 3, line 3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the interface selection module as taught by Menendez with the act of gaining permission before conducting an update as taught by Tow, because the combination allows the Menendez invention to select an interface while avoiding conflicts with existing components as taught by Tow at column 3, lines 1 – 3.

**In regard to claim 2, incorporating the rejection of claim 1:**

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*“...further comprising a specifying module specifying one of the plurality of set records, wherein said edit module supports the development of the program by use of said interface set to be permitted to be embedded into said application program in the specified set record or said interface that is not set to be embedded into said application program in the specified set record.”*

Menendez discloses an edit module for editing the script underlying the selected component interface (column 15, lines 44 – 47), but does not explicitly disclose determining permission to embed the interface in to the application program. However, Tow discloses insertion of data into a table wherein permission is required to perform the update (column 2, line 60 to column 3, line 3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the interface selection module as taught by Menendez with the act of gaining permission before conducting an update as taught by Tow, because the combination allows the Menendez invention to select an interface while avoiding conflicts with existing components as taught by Tow at column 3, lines 1 – 3.

**In regard to claim 7 (a method),** rejected for the same corresponding reasons put forth in the rejection of claim 1 (a corresponding device).

**In regard to claim 9 (a computer-readable medium),** rejected for the same corresponding reasons put forth in the rejection of claim 7 (a corresponding method).

**In regard to claim 11 (a communication signal containing code),** rejected for the same corresponding reasons put forth in the rejection of claim 7 (a corresponding method).



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6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menendez et al., U.S. Patent 5,555,369 in view of Tow et al., U.S. Patent 5,860,070 as applied to claim 1 above, and further in view of May, U.S. Patent 6,421,653.

**In regard to claim 3, incorporating the rejection of claim 1:**

*“a group definition module defining a group consisting of a plurality of users;”*

*“a group specifying module specifying a usable set record with respect to the group.”*

Menendez discloses a module defining a group of usable components and Tow discloses recording a key value that is used to allow or deny the insertion of a row into a table, but neither Menendez nor Tow explicitly discloses a group consisting of a plurality of users. However, May discloses a class group modification interface that determines unassigned (invalid) and assigned (valid) groups of valid entities (users) and usable records (column 28, lines 32 – 59). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the component and interface selection module as taught by the combination of Menendez and Tow with the class group modification interface taught by May, because the combination provides a means for the selection of usable records that assign permissions for insertion of an interface in the Menendez/Tow combination with respect to a group by customizing the groups with addition and deletion of group members as taught by May (column 28, lines 45 – 48).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menendez et al., U.S. Patent 5,555,369 in view of Munker et al., U.S. Patent 6,591,366 as applied to claim 4 above, further in view of May, U.S. Patent 6,421,653.

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**In regard to claim 6, incorporating the rejection of claim 4:**

*"...further comprising:*

*a specification designating module designating the layout specification record applicable to said application program developed by the group."*

Menendez discloses a module defining a group of usable components, and Munker discloses a check of a to determine whether a particular user belongs to a specific group authorized to operate a program. Additionally May discloses a class group modification interface that determines unassigned (invalid) and assigned (valid) groups of valid entities (users) and usable records (column 28, lines 32 – 59). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the component and interface selection module as taught by Menendez combined with Munker, with the class group modification interface taught by May, because the combination provides a means for the Menendez invention to select usable records with respect to a group by customizing the groups with addition and deletion of group members as taught by May (column 28, lines 45 – 48).

### ***Response to Arguments***

Applicant's arguments filed on 12/13/2004 have been fully considered but they are not persuasive.

The Applicant has argued:

Further, checking a "key value" in Tow et al. does not render obvious Claims 1, 2, 7, 9, and 11, wherein the interface selection module sets whether the interface is permitted to be embedded in an application program.

The Examiner sets forth on page 5 of the Action that "Menendez...does not explicitly disclose determining permission to embed the interface in to the application program". Moreover, Tow et al. also fail to teach or

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describe this patentably distinguishing feature. Therefore, we disagree with the Examiner's assertion on page 5 of the Action that "Tow discloses insertion of data into a table wherein permission is required to perform the update (column 2, line 60 to column 3, line 3)".

**Examiner's response:**

Claims 1 and 2 indicate that permission to embed the interface or not is determined or set by the specification in a set record; and claims 7, 9, and 11 indicate determination is made in accordance with a recording of the permission setting. The key value taught in Tow et al. is interpreted as recording a setting that allows access to information permitting further action. Therefore, granting permission to perform a next step in a series of steps in not given patentable weight.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (571) 272-3734. The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kakali Chak*

Lawrence Shrader  
Examiner  
Art Unit 2124

March 15, 2005

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